Washington, Thursday, February 12, 1953

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter Il—Securities and Exchange Commission

PART 203—CONDUCT OF MEMBERS AND EM-PLOYEES AND FORMER MEMBERS AND EM-PLOYEES OF THE COMMISSION.

Statement of purpose. The Securities and Exchange Commission is adopting a comprehensive regulation to restate the ethical principles which it believes should govern and have governed the conduct of members and employees and former members and employees of the Commission. The regulation includes a general statement of policy following essentially language used by a Subcommittee of the Senate Committee on Labor and Public Welfare in its report on Ethical Standards in Government, and in the related bill, S. 2293, 82d Cong., 1st Sess., 1951. The regulation also deals more specifically with limitations on outside or private employment, securities transactions, disclosure to superiors of personal interests which might conflict with official duties, negotiation for private employment by persons interested in matters pending before the Commission, and practice before the Commission by former members and employees of the Commission.

The more specific regulations are Jargely a revision of existing rules set forth in memoranda of instructions which have been issued to the staff from time to time, and previously published opinions concerning the propriety of practice by former employees. Among other things, the revision makes it clear that the substantive rules apply to members of the Commission as well as to employees. Some of the rules (particularly Rules 4 and 5 (§§ 203.4 and 203.5)) contain procedural provisions for reference of questions arising under the rules by an employee to his superior. While the Commissioners themselves cannot refer such a problem to a supemor, it is contemplated that, in case of doubt as to the applicability of the substantive provisions, they will either refram from participation in the matter or will request the advice of their associates, in accordance with past practice.

Paragraph (a) of Rule 6 (§ 203.6 (a)) prohibits without limit of time former

members and employees from appearing before the Commission in a "particular matter" with respect to which they had a prior official responsibility or specific knowledge. This rule is intended to be declaratory of the practice which the Commission has applied in the advisory rulings that have been rendered from time to time in the past concerning the propriety of specific appearances by former members and employees. In attempting to state the rule in concrete terms, it is recognized that the concept of what constitutes a "particular matter" will require interpretation. In rendering such interpretations the basic policy consideration underlying the rule will require consideration of whether the appearance in question will involve an unethical conflict with prior official responsibilities.

Following is an illustration of the way the Commission believes Rule 6 (a) (§ 203.6 (a)) should be interpreted. An accountant on the Commission's staff has had occasion to deal officially with a registration statement or annual report for a particular company and after leaving the Commission joins an accounting firm which does accounting work for that company. In the absence of unusual circumstances, such an accountant would not be barred from doing accounting work in connection with future registration statements or annual reports for the same company. If, however, the accountant's official responsibilities had involved an investigation or accounting controversy of a continuing character, subsequent activities for the company involved, although pertaining to new filings, might be so related to the continuing investigation or controversy as to constitute an appearance in respect to the "particular matter" previously dealt with on behalf of the Commission.

Paragraph (b) of Rule 6 (§ 203.6 (b)) is a new provision which is designed to aid in the administration of the first part of the rule by requiring the filling of reports covering all appearances before the Commission during the first two years after ceasing to be a member or employee of the Commission.

The new regulation supercedes the previous memoranda on Outside or Private Employment (dated Feb. 14, 1949) and on Employees' Securities Transac-

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tions (Office Memorandum No. 51-F, dated July 14, 1950) and the statement of Commission policy on negotiation for private employment, as set forth in the minute of June 14, 1939. Rule 6 (§ 203.6) is intended to be the primary provision governing practice before the Commission by former members and employees and to make more specific and implement the principles enunciated in the statement of the Commission on that subject contained in Securities Act Release No. 1761 and in the opinion of general counsel contained in Securities 861 Act Release No. 1934. However, the new regulation does not repeal the more general provision of Rule 11 (e) of the rules of practice (§ 0.11 (e)) relating to denial of the privilege of practicing before the Commission for unethical or improper 853 professional conduct, on which Releases 1761 and 1934 were based.

The Commission deems this regulation to be included within the exception to section 4 (a) of the Administrative Procedure Act applicable, among other things, to "general statements of policy, rules of agency organization, procedure or practice," and deems notice and public procedures of the character specified in that section to be unnecessary. The Commission, of course, is open to suggestions with respect to the scope and content of the regulation, whether received

before or after its effective date.

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Statutory basis. This regulation is adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 (a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 (a) of the Investment Company Act of 1940, and section 211 (a) of the Investment Advisers Act of 1940.

Text of regulation. Part 203 is added to read as follows:

Sec. 203.1 General statement of policy. 203.2 Outside or private employmen

203.2 Outside or private employment.203.3 Securities transactions.

203.4 Action in cases of personal interest. 203.5 Negotiation for private employment.

203.6 Practice by former members and employees of the Commission.

203.7 Employees on leave of absence.
 203.8 Violation and participation in violation of this part.

AUTHORITY: §§ 203.1 to 203.8 issued under secs. 19, 23, 48 Stat. 85, 901, as amended; sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11.

§ 203.1 General statement of policy. It is deemed contrary to Commission policy for a member or employee of the Commission to:

(a) Engage, directly or indirectly, in any personal business transaction or private arrangement for personal profit which accrues from or is based upon his official position or authority or upon confidential information which he gains by reason of such position or authority.

(b) Accept, directly or indirectly, any valuable gift, favor, or service from any person with whom he transacts business on behalf of the United States;

(c) Discuss or entertain proposals for future employment by any person outside the Government with whom he is transacting business on behalf of the United States: ²

d) Divulge confidential commercial or economic information to any unauthorized person, or release any such information in advance of authorization for its release: ²

(e) Become unduly involved, through frequent or expensive social engage-

*Members of the Commission are subject also to the following prohibition in section 4 (a) of the Securities Exchange Act of 1934: ** * No commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission pursuant to this title * * *" Detailed provisions regarding outside or private employment and transactions in securities and commodities are set forth in §\$203.2 and 203.3. Further provisions regarding use and disclosure of confidential information are set forth in paragraph (d) of this section and in the note appended thereto.

² Detailed provisions regarding negotiation for future employment are set forth in § 203.5.

³The policy regarding confidential information stated in paragraphs (a) and (d) of this section is intended to cover cases where, apart from specific prohibitions in any statute or other rule, the disclosure or use of such information would be unethical. Detailed prohibitions regarding disclosure or use of confidential information are set forth in Rule 122 under the Securities Act of

ments or otherwise, with any person outside the Government with whom he transacts business on behalf of the United States: or

(f) Act in any official matter with respect to which there exists a personal interest incompatible with an unblased exercise of official judgment.

§ 203.2 Outside or private employment. (a) No member or employee shall permit his name to be associated in any way with any legal, accounting or other professional firm or office.

(b) No employee shall have any outside or private employment or affiliation with any firm or organization incompatible with concurrent employment by the Commission. This applies particularly to employment or association with any registered broker, dealer, public utility holding company, investment company or investment adviser or directly or indirectly related to the issuance, sale or purchase of securities. It applies also to any legal, accounting, or engineering work for compensation involving matters in which the Federal government or any State. Territorial or municipal authority may be significantly interested.

(c) No employee shall accept or perform any outside or private employment which interferes with the efficient performance of his official duties.

(d) No employee shall accept or perform any outside or private employment specifically prohibited to Federal employees by statutes or executive order. For example:

(1) 18 United States Code, section 233, provides, among other things, that Federal employees are prohibited from acting as agent or attorney in prosecuting any claim against the United States or from aiding or assisting in any way, except as otherwise permitted in the discharge of official duties, in the prosecution or support of any such claims, or from receiving any gratuity, or any chare of an interest in any claim from any claimant against the United States.

(2) 18 United States Code, section 201, provides, among other things, that Federal employees are prohibited from directly or indirectly receiving or agreeing to receive any compencation whatever for services rendered or to be rendered to any person in relation to any matter in which the United States is a party or directly or indirectly interested.

(3) 5 United States Code, section 58, provides that unless othewice specifically authorized by law, no money appro-

1933; section 24 (c) and Rule K-4 under the Securities Exchange Act of 1934; section 22 (a) and Rule U-104 under the Public Utility Holding Company Act of 1935; section 45 (a) and Rule N-45A-1 under the Investment Company Act of 1940; and section 210 (b) under the Investment Advisers Act of 1949.

*Section 203.4 provides a procedure for relieving employees from assignments in certain cases, including these covered by paragraph (f) of \$203.1.

With respect to members, this paragraph supplements the statutory prohibition of outside employment contained in section 4 (a) of the Securities Exchange Act, quoted in footnote 1. The remaining provisions of this section are not made applicable to members in view of the provisions of section 4 (a).

printed by any act shall be available for payment to any person receiving more than one calary when the combined amount of cald calaries exceeds the sum of \$2,000 per annum.

(4) Executive Order No. 9 of January 17, 1673, prohibits, subject to exceptions, Federal employees from accepting or holding office under a State, Territorial, County or municipal authority.

(e) No employee shall appear in court or on a brief in a representative capacity (with or without compensation) or otherwise accept or perform legal, accounting or engineering work for compensation unless specifically authorized by the Commission. Requests for such authorization shall be submitted to the division or office head or regional administrator concerned, together with all pertinent facts regarding the proposed employment, such as the name of the employer, the nature of the work to be performed, and its estimated duration. Division and other office heads and regional administrators shall forward all requests, together with their recommendations thereon, to the Director of Personnel for presentation to the Commission.

§ 203.3 Securities transactions. (a) This section applies to all transactions effected by or on behalf of a member or employee. Members and employees are considered to have sufficient interest in the security and commodity transactions of their husbands or wives so that such transactions must be reported and are subject to all the terms of this section.

(b) No member or employee shall effeet any transaction in a security except for bona fide investment purposes. Unless otherwise determined by the Commission for cause shown, any purchase which is held for less than one year will be presumed not to be for investment purposes. Any employee who believes the application of this paragraph will result in undue hardship in a particular case may make written application to the Commission (through the Division of Personnel, attention of Director of Personnel) satting out in detail the reasons for his belief and requesting a waiver.

(c) No member or employee shall effect any purchase or sale of a future contract for any commodity without the prior approval of the Commission.

(d) No member or employee shall carry securities on margin; nor shall any member or employee borrow funds or securities with or without collateral for the purpose of purchasing or carrying securities or commodities with the proceeds unless prior approval of the Commission has been secured.

(e) No member or employee shall sell a security which he does not own, or the cale of which is consummated by the delivery of a security horrowed by or for such member's or employee's account.

(f) No member or employee shall purchase any security which is the subject of a registration statement filed under the Securities Act of 1933, or of a letter of notification filed under Regulation A, or any other security of the same issuer, while such a registration statement or letter of notification is pending or during

the first thirty days after its effective date.

- (g) No member or employee shall purchase securities of (1) any holding company registered under section 5 of the Public Utility Holding Company Act of 1935, or any subsidiary thereof, or (2) any company if its status under such act or the applicability of any provision of the act to it is known by the employee to be under consideration.
- (h) No member or employee shall purchase any securities issued by any investment company prima facie subject to the jurisdiction of the Commission under the provisions of the Investment Company Act of 1940.

(i) No member or employee shall purchase any security which to his knowledge is involved in any pending investigation by the Commission or in any proceeding before the Commission or to which the Commission is a party.

(j) No member or employee shall purchase any securities of any company which is in receivership or which is undergoing reorganization under section 77–B or Chapter X of the Bankruptcy at

(k) The restrictions imposed in paragraphs (f) to (j) of this section do not apply to the exercise of a privilege to convert or exchange securities; to the exercise of rights accruing unconditionally by virtue of ownership of other securities (as distinguished from a contingent right to acquire securities not subscribed for by others) or to the acquisition and exercise of rights in order to round out fractional shares.

(1) Members and employees shall report every transaction in any security or commodity within three business days. (Reports submitted by employees in field offices must be placed in the mails within three days of the date of each transaction.) Other changes in holdings resulting from inheritance or from reclassifications, gifts, stock dividends or split-ups, for example, shall be reported promptly. These reports shall be prepared on the official form provided for this purpose, copies of which may be procured from the Division of Personnel (Form SE-P-3) These reports shall be transmitted to the Director of Personnel. The envelope should be marked "Confidential."

(m) At the time of taking the Oath of Office new members and employees shall fill in the information required on Form SE-P-4 relating to securities owned, accounts with securities firms, and relatives who are partners or officers of securities firms, investment companies, investment advisers or public utilities.

(n) This section does not apply to personal notes, individual real-estate mortgages, United States Government securities, and securities issued by building and loan associations or co-operatives.

§ 203.4 Action in cases of personal interest. Any employee assigned to work on any application, filing, or matter of a company in which he then owns any securities or has any personal interest or with which he has been employed or associated in the past, shall immediately

advise the division director or other office head or regional administrator of the fact. Division directors, other office heads and regional administrators are authorized to direct the reporting employee to continue with the assignment in question where this appears in the interest of the Government, taking into account (a) the policy stated in § 203.1 -(f) (b) the general desirability of avoiding situations that require a question of conflict of interest to be resolved, (c) the extent the employee's activities will be supervised, and (d) the difficulty of assigning the matter to some other employee. Where the employee in question is not relieved of the assignment, his written report concerning the nature of his interests shall be forwarded to the Director of Personnel with a notation that he has been directed to continue the assignment together with such explanation, if any, as may seem appropriate. In the event that a division director or other office head or regional administrator deems that he has, himself, such personal interest in a transaction as may raise a question as to his disinterestedness, he may delegate his responsibility in the matter to a subordinate, but in that event shall submit a brief memorandum of the circumstances to the Director of Personnel.

§ 203.5 Negotiation for private employment. (a) The provisions of § 203.1 (c) are deemed to preclude negotiation for private employment by an employee who is immediately engaged in representing the Commission in any matter in which the prospective employer is opposing counsel or person chiefly affected. With the approval of his superior or the Commission an employee may be relieved of any assignment which, in the absence of such relief, might preclude such negotiation.

(b) No employee shall undertake to act on behalf of the Commission in any capacity in a matter that, to his knowledge, affects even indirectly any person outside the Government with whom he is discussing or entertaining any proposal for future employment, except pursuant to the direction of the Commission, his division director or other office head, or his regional administrator, as provided in § 203.4.

§ 203.6 Practice by former members and employees of the Commission. (a) No person shall appear in a representative capacity before the Commission in a particular matter if such person, or one participating with him in the particular matter, personally considered it or gained personal knowledge of the facts thereof while he was a member or employee of the Commission. As used in this paragraph, a single investigation or formal proceeding, or both if they are related, shall be presumed to constitute a particular matter for at least two years irrespective of changes in the issues. However, in the case of proceedings in which the issues change from time to time, such as proceedings involving compliance with section 11 of the Public Utility Holding Company Act, this paragraph shall not be construed as prohibiting appearance in such a proceeding,

more than two years after ceasing to be a member or employee of the Commission, unless it appears to the Commission that there is such identity of particular issues or pertinent facts as to make it likely that confidential information, derived while a member or employee of the Commission, would have continuing relevance to the proceeding, so as to make the participation therein by the former member or employee of the Commission unethical or prejudicial to the interests of the Commission.

(b) Any former member or employee of the Commission who, within two years after ceasing to be such, is employed or retained as the representative of any person outside the Government in any matter in which it is contemplated that he will appear before the Commission shall, within ten days of such retainer or employment, or of the time when appearance before the Commission is first contemplated, file with the Secretary of the Commission a statement as to the nature thereof together with any desired explanation as to why it is deemed consistent with this section. Employment of a recurrent character may be covered by a single comprehensive statement. Each such statement should include an appropriate caption indicating that it is filed pursuant to this rule. The reporting requirements of this paragraph do not apply to communications incidental to court appearances in litigation involving the Commission.

(c) As used in this section, the term "appear before the Commission" means personal appearance before or personal communication with the Commission or any member or employee thereof, in connection with any interpretation or matter of substance arising under the statutes administered by the Commission.

(d) Persons in doubt as to the applicability of this section may apply for an advisory ruling of the Commission.

§ 203.7 Employees on leave of absence. The provisions of this part relative to employees of the Commission are applicable to employees on leave with pay or on leave without pay other than extended military service.

§ 203.8 Violation and participation in violation of this part. Knowing participation in a violation of this part by persons not within the scope of this part shall likewise be deemed improper conduct and in contravention of Commission rules. Departure from the regulations in this part without specific approval may be cause for removal or for disqualification from appearing and practicing before the Commission.

The foregoing regulation shall become effective March 9, 1953, except that it shall be effective immediately with respect to members and employees of the Commission having actual knowledge of its provisions.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

FEBRUARY 4, 1953.

[F. R. Doc. 53-1410; Filed, Feb. 11, 1953; 8:47 a. m.]

TITLE 20-EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 335-SICKNESS BENEFITS AND MATERNITY BENEFITS

FILING OF STATEMENTS; WHEN FORMS CONSIDERED FILED

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107 45 U.S.C. 362) §§ 335.104 (d) and 335.204 (e) of the regulations of the Railroad Retirement Board under such act (12 F. R. 8441) are amended by Board Order 53-23, dated January 27, 1953, to read as follows:

§ 335.104 Filing statement of sickness and claim for sickness benefits.

(d) When form considered filed. form shall be considered filed within the time prescribed with regard to it in paragraph (a) or (b) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) the employee made such effort to file the form within the prescribed time as a reasonable person could be expected to make in the same situation, but was prevented from doing so by circumstances beyond his control, and the form was received at an office of the Board within a reasonable time after the circumstances which had prevented the employee from filing the form were removed; (4) the employee registered for the day in question under § 325.12 of this chapter, but his claim for such day as a day of unemployment was denied on the ground that he was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) a female employee filed a statement of maternity sickness with a view to obtaining maternity benefits for the day in question, and the form was received at an office of the Board within a reasonable time: Provided, however That a form may not in any event be considered filed within the time prescribed with regard to it in paragraph (a) or (b) of this section unless it is received at an office of the Board within two years of the day in question.

§ 335.204 Filing statement of maternity sickness and supplement and claim for maternity benefits. *

(e) When form considered filed. A form shall be considered filed within the time prescribed with regard to it in paragraphs (a), (b) or (c) of this section if (1) the form was received at an office of the Board within the prescribed time; (2) the form was mailed to an office of the Board within the time specified in the instructions on the form, and was received there; (3) the employee made such effort to file the form within the prescribed time as a reasonable person could be expected to make in the same situation, but was prevented from doing so by circumstances beyond her control, and the form was received at an office or

the Board within a reasonable time after the circumstances which had prevented the employee from filing the form were removed; (4) the employee registered for the day in question under § 325.12 of this chapter, but her claim for such day as a day of unemployment was denied on the ground that she was not available for work or was not able to work on such day, and the form was received at an office of the Board within a reasonable time; or (5) the employee claimed sickness benefits for the day in question under Subpart A of this part, and the form was received at an office of the Board within a reasonable time: Provided, however That a form may not in any event be considered filed within the time prescribed with regard to it in paragraph (a) (b) or (c) of this section unless it is received at an office of the Board within two years of the day in question.

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S. C. 362. Interprets or applies sec. 1, 52 Stat. 1094, as amended, 45 U.S. C. 351)

Dated: February 6, 1953.

By authority of the Board.

MARY B. LINKINS, Secretary of the Board.

[F. R. Doc. 53-1404; Filed, Feb. 11, 1953; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G-Procurement

ARMY PROCUREMENT PROCEDURE

Chapter V of Title 32 is amended in the following manner:

Part 590—General Provisions

1. Section 590,253-2 is revised and §§ 590.306, 590.306-1, 590.306-50, and 590.306-51 are added as follows:

§ 590.253-2 Principal purchasing offices. The following are designated as the principal purchasing offices of the Army Establishment:

CHEMICAL CORPS

Atlanta Chemical Procurement District, Atlanta, Ga.

Boston Chemical Procurement District,

Boston Army Base, Boston, Macs.
Chicago Chemical Procurement District,

Chicago, Ill. Dallas Chemical Procurement District,

Dallas, Tex.
New York Chemical Procurement District,

New York, N. Y. San Francisco Chemical Procurement District, Oakland Army Base, Oakland, Calif. Chemical Corps Procurement Agency, Army Chemical Center, Md.

CORPS OF ENGINEERS

Chicago Procurement Office, Corps of Engineers, Chicago, Ill.

District Engineer Office, New York District, Corps of Engineers, New York, N. Y. District Engineer Office, Philadelphia Dis-

trict, Corps of Engineers, Philadelphia, Fa.
District Engineer Office, Pittsburgh District, Corps of Engineers, Pittsburgh, Pa.
District Engineers Office, St. Louis District,

Corps of Engineers, St. Louis, Mo.

Division Engineer Office, South Atlantic Division, Lumber Branch, Corps of Engineers, Atlanta, Ga.

District Engineer Office, Portland District. Lumber Branch, Corps of Engineers, Portland, Oreg.

ARMY MEDICAL SHRVIOR

Armed Services Medical Procurement Agency, Brooklyn, N. Y.

ORDINANCE CORPS

Aberdeen Proving Ground, Aberdeen Prov-

ing Ground, Md.
Ordnanco Tank-Automotive Center, Detroit, Liich.

Ordnance Ammunition Center, Joliet, Ill. Ordnance Small Arms Ammunition Center, St. Louis, Mo.

Detroit Arcenal, Center Line, Mich. Frankford Arcenal, Philadelphia, Pa. Picatinny Arcenal, Dover, N. J. Raritan Arcenal, Metuchen, N. J. Rock Island Arcenal, Rock Island, Ill. Springfield Armory, Springfield, Mass. Watertown Arconal, Watertown, Mass. Watervilet Arconal, Watervilet, N. Y. Roccford Ordnance Depot, Toledo, Ohio. Birmingham Ordnance District, Birmingham, Ala.

Besten Ordnance District, Besten Army

Supply Bace, Boston, Macs.

Chicago Ordnance District, Chicago, Ill. Cincinnati Ordnance District, Cincinnati, Ohlo.

Cleveland Ordnance District, Cleveland. Ohlo.

Detroit Ordnance District, Detroit, Mich. Los Angeles Ordnance District, Pasadena, Calif.

New York Ordnance District, New York,

Philadelphia Ordnance District, Philadelphia, Pa.

Pittsburgh Ordnance District, Pittsburgh,

Rochester Ordnance District, Rochester,

St. Louis Ordnance District, St. Louis, Mo. San Francisco Ordnance District, Oakland Army Bace, Oakland, Calif.

Springfield Ordnance District, Springfield Armory, Springfield, Maca.

QUARTERMASTER CORPS

Oakland Quartermester Procurement

Agency, New York, N. Y.

Quartermaster Supply Section, Columbus
Control Process

Agency, New York, N. Y.

Quartermaster Supply Section, Columbus

General Depot, U. S. Army, Columbus, Onio. Chicago Quartermaster Depot, Chicago, Ill. Philadelphia Quartermaster Depot, Philadelphia, Pa.

Headquarters, QM Market Center System, Chicago, Ili.

SIGNAL CORPS

Signal Corps Supply Agency, Philadelphia, Pa.

Laboratory Procurement Office, Signal Corps Supply Agency, Fort Monmouth, N. J. NSA Procurement Office, Procurement and Distribution Division, CCSigO, Washington, D. C.

TRANSPORTATION COMPS

Transportation Corps Central Procurement Agency, Marietta TC Depot, Marietta, Pa.

§ 590.306 Place of delivery.

§ 590.306-1 Domestic shipments. (a) Bids and proposals will be evaluated on the basis of over-all cost to the Government. In connection with bids or proposals submitted on an f. o. b. origin basis, transportation costs between the source of supply and the designated destination point or points will be considered in determining the lowest estimated cost to the Government.

(b) To facilitate the evaluation of bids and proposals and to assure accurate analyses, Contracting Officers will request the advisory services of local transportation officers to assist in determining the lowest possible transportation costs to a given point.

§ 590.306-50 Furnishing of freight, rates. (a) The function of furnishing freight rates for use by Contracting Officers for the evaluation of bids and proposals as required by § 590.306-1 has been assigned to continental army commanders. Continental army commanders will establish procedures within their respective areas for furnishing rates and will maintain centralized tariff files in the Office of the Army Transportation Officer in order to provide a rate quoting service to purchasing offices. The rate quoting service operated by continental army commanders for purchasing offices is under the technical supervision of the Chief of Transportation.

(b) Purchasing offices will obtain freight rates from the Army Transportation Officer in the headquarters of the continental army command within whose geographical limits the purchasing offices are located regardless of the origin and destination points of the intended purchases, except that a rate quoting service will be provided in the Office of the Chief of Transportation for purchasing offices assigned within the Military District of Washington.

§ 590.306-51 Oversea purchases. Subject to any instructions which may be issued by the Head of the Procuring Activity involved, Contracting Officers are authorized to devlate from § 590.306 of this chapter and § 400.306 of this title in effecting procurement outside the continental United States,

- 2. Sections 590.350 and 590.355-1 are revised and in § 590.357 paragraph (a) is revised and paragraph (c) is rescinded as follows:
- § 590.350 F o. b. purchasing policy. See § 400.306 of this title and § 590.306.
- § 590.355-1 Statement of policy. It is the policy of the Military Departments that information be disseminated as widely as possible, each week, with respect to awards of unclassified contracts, exceeding \$25,000 in amount, whether entered into after formal advertising or negotiation. One objective of this policy is to provide opportunities for small business concerns to learn of and solicit subcontracting work.
- § 590.357 Selection of contractor
- (a) A pre-award qualification check or survey will be made of the technical and financial capabilities of the prospective Contractor in order to provide the basis for evaluating responsibility. Qualification checks or surveys may be curtailed to the extent the prospective Contractor's qualifications are known to be satisfactory or when not required in the judgment of the Contracting Officer. The contract file of the Contracting Officer will contain a record of his determination of the responsibility of the Con-

tractor in all cases over \$1,000, with such supporting evidence as is secured by him through qualification checks or surveys. In the event the Contracting Officer determines that a pre-award survey need not be made, a statement to that effect with supporting reasons for the waiver on all contracts over \$1,000 will be made a part of the contract file.

* * * * * * (c) [Revoked.]

3. Sections 590.456, 590.602 (a) and 590.604-2 are revised as follows:

§ 590.456 Responsibility for insuring the availability of funds. Contracting Officers will, prior to the incurrence of an obligation, obtain from the Fiscal Officer a certificate which will contain a citation of the proper funds to be charged and a statement that sufficient funds are available for payment of the contractual obligation to be incurred. The certificate shall be retained in the contract file. The Fiscal Officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred.

§ 590.602 Execution of contracts; requirements—(a) Statement as to availability of funds. The appropriation and allotment chargeable will be cited on all contracts, purchase orders, and delivery orders. The signature of a Contracting Officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited.

§ 590.604-2 Leases of Government personal property. Leases of Government personal property, regardless of amount, except as heretofore or hereafter may be delegated by the Secretary will be submitted for approval by the Secretary. Requests for approval will be addressed to the Chief, Purchases Branch, Assistant Chief of Staff, G-4, Department of the Army.

4. Sections 590.604-12 is revised and in § 590.607-1 (b) subparagraphs (5) and (6) are revised as follows:

§ 590.604-12 Contract review. At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts prior to contract approval by the subordinate commanders or chiefs of field offices. This review will apply to both advertised and negotiated procurements, regardless of the level of procuring authority, and will be for the purpose of insuring that the clauses and conditions of the contract comply with the principles of good procurement and that the interest of the Government is adequately protected. In those instances wherein this is impracticable this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the head of a technical service, as appropriate.

- § 590.607-1 Cost-reimbursement type contracts. * *
- (b) Differences and disputes. * *
- (5) In the event that the Head of the Procuring Activity and the Comptroller of the Army are unable to agree, the dispute will be referred direct to the Secretary, who will render a final decision on the issues involved.
- (6) Determination reached by the informal board will have the effect of a directive and will be so recognized by both the Contracting Officer and the Regional Auditor. Decisions by the Secretary will also be in the form of a directive and will have the same effect. Payment will then be made in accordance with the decisions reached. Such decisions do not preclude a contractor from seeking redress under any applicable provisions of the contract.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup 151-161)

PART 591—PROCUREMENT BY FORMAL ADVERTISING

1. In § 591.201 paragraph (k) is added and in § 591.401 paragraph (b) is revised as follows:

§ 591.201 Preparation of forms. * * *
(k) Price escalation. If it is anticipated that some or all of the bidders will respond with bids including escalation provisions, the Invitations for Bids will clearly state the escalation clause (to be selected from those appearing in § 596.-151 of this chapter) which may be used and that will be considered responsive, and will further state that all bids will be evaluated after applying the maximum amount of possible escalation.

§ 591.401 Opening of bids. * * *

(b) The Contracting Officer will decide when the specified time has arrived. He will then personally and publicly open all bids received and, when practicable, read them aloud to the bidders present,

2. Section 591.404 is revised, and in § 591.406 paragraph (b) is revised, and in § 591.407 paragraph (a) is revised as follows:

§ 591.404 Minor informalities or irregularities in bids. (a) Suppliers frequently submit with their bids additional information on letterheads or other forms which incorporate printed terms and conditions used by the supplier in his commercial business. These printed terms and conditions are very often in conflict with the general provisions or may contain language affecting bid prices. Unless it clearly appears on the face of the bid that such terms and conditions are intended to be a part of the bid, the bidder shall be given an opportunity to state whether or not they are so intended. If the bidder submits a written statement that such terms and conditions were not intended to form a part of the bid, they may be disregarded in considering the bid.

(b) A bidder failing to furnish, (1) information regarding his aggregate number of employees, (2) his status as a source of supply as defined in \$400.201-9 of this title and \$500.201-9 of this chapter, or (3) the place of man-

ufacture of the supplies being purchased, will be permitted to make such representations after the bid opening but prior to award.

§ 591.406 Award. * * *

(b) Price escalation. (1) If the invitation for bids specifies the escalation clause that will be considered responsive, bids containing such provision will be evaluated by applying the maximum amount of escalation and award will be made to the bidder whose maximum price is lowest to the Government, providing the bid is otherwise responsive to conditions of the invitation.

(2) If the invitation for bids is silent on the matter of escalation, bids may not be rejected solely on the basis of inclusion of an escalation article; evaluation will be performed in the manner prescribed in subparagraph (1) of this paragraph. Authority for use of clauses other than those appearing in § 596.151 of this chapter must be received from Assistant Chief of Staff, G-4. In those instances where bidders respond with different types of escalation clauses and it is impossible to evaluate the bids adequately, the bids should be rejected and readvertisement effected with the invitation for bids containing an escalation article appearing in § 596.151 of this chapter.

§ 591.407 Information to bidders—(a) Unclassified awards. In the case of all unclassified formally advertised contracts, the purchasing office will (1) notify unsuccessful bidders of the fact that their bids were not accepted, and (2) extend the appreciation of the purchasing office for the interest the unsuccessful bidder has shown in submitting a bid. Should additional information be sought, purchasing offices will either (1) provide the unsuccessful bidder with the name and address of the successful bidder, together with the contract price, or (2) inform the inquirer that a copy of the Abstract of Bids is available for inspection at the purchasing office and at the Procurement Information Center, Washington, D. C., in the event this location is more convenient from a geographical viewpoint than the purchasing office (see § 591.405 (c)).

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 592-PROCUREMENT BY NEGOTIATION

1. Section 592,213-3 is revised to read as follows:

§ 592.213-3 Limitation. Procurements will not be negotiated under this authority unless the supplies to be purchased have been approved for standardization by the Secretary. Requests for standardization shall be submitted to the Advisory Committee on Procurement Without Advertising of Technical Equipment and Components, established by AR 15-440, which committee will act in an advisory capacity to the Secretary. Additional procedures with respect to the standardization of technical equipment may be issued by the committee. In the case of formal advertising contem-

plating subsequent negotiation of procurements of the same equipment from the successful bidder in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j) of this chapter.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 594—INTERDEPARTMENTAL PROCUREMENT

- 1. Section 594.000, the headnote of subpart A, and § 594.101 are revised to read as follows:
- § 594.000 Scope of part. Supplementary to, but consistent with Part 404 of this title, this part sets forth the policy with respect to (a) procurement of supplies and services from or through the General Services Administration, (b) procurement of printing and related supplies, and (c) procurement of prisonmade and blind-made products.

SUBPART A—PROCUREMENT FROM OR UNDER GENERAL SERVICES ADMINISTRATION

- § 594.101 Statement of policy—(a) Requirement. It is the requirement of this part that purchases will be made in accordance with Subpart A, Part 400 of this title.
- (b) Emergency purchase. In any case when, pursuant to paragraph (a) of this section, purchase of a mandatory item listed by General Services Administration is not made, the voucher submitted to the Disbursing Officer for payment shall contain a finding that the purchase was justified as the item could not be furnished by General Services Administration by the time such item was required. Such a finding shall be final and conclusive. The authority to make such a finding is vested in the Heads of Procuring Activities, with authority to redelegate. In each instance, the finding will set forth the specific reasons why the time element made the purchasing necessary.
- 2. Sections 594.103 and 594.104 are revoked, in § 594.301 paragraph (a) is revised and § 594.302 is revised as follows:
- § 594.103 Procurement from Supply Centers of Federal Supply Scrvice. [Revoked.]
- § 594.104 Use of Stock Catalog, Federal Supply Service, Washington, D. C. [Revoked.]
- § 594.301 Prison made products.—(a) Requirement. All items manufactured by, and all services rendered by Federal Prison Industries, Inc., shall be purchased from that agency, except (1) in those instances in which a general or special clearance for the purchase of the item or service from commercial sources has been granted, or (2) for items being purchased in less than carload lots in accordance with § 404.301 of this title.
- § 594.302 Blind made products.—(a) Exceptions. Purchase of supplies listed in the Schedule of Blind-Made Products need not be made from non-profit-making agencies for the blind when (1) a general clearance for the purchase of the items from commercial sources has

been granted, (2) the procurement does not exceed a single unit as listed in such Schedule, (3) the supplies are for use outside the continental United States or (4) purchased from a Federal Supply Service Center.

(b) General clearance. A general clearance, dated June 3, 1942, has been granted the Department by the Committee on Purchases of Blind-Made Products to purchase from commercial sources any item listed in the Schedule of Blind-Made Products when military necessity requires delivery of the article needed within a period of two weeks.

(c) Special clearance. The Federal Supply Service, General Services Administration, may grant a special clearance permitting procurement from commercial sources of supplies listed in such Schedule of Blind-Made Products (1) when necessary to meet emergency requirements or (2) when no agency for the blind is in a position to furnish the required supplies.

(d) Procurement procedure. Procurement of items listed in the Schedule of Blind-Made Products will be in accordance with the detailed regulations, instructions, and ordering procedures prescribed in such schedule and any amendments or price lists issued in connection therewith. Current copies of such schedule may be obtained from the Federal Supply Service, General Services Administration, Washington 25, D. C.

(e) Procurement priority. When supplies manufactured by non-profit-making agencies for the blind are similar to those manufactured in Federal pententiaries, procurement priority will be given to the Federal Prison Industries, Inc.

(f) Clearance reference. It is not necessary to attach a copy of the general clearance to the procurement contract or voucher. A reference on either the contract or voucher to "General Clearance dated June 3, 1942" is sufficient. (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 595-FOREIGN PURCHASES

- 1. Section 595.103-4 is revised and in § 595.107, paragraph (c) is revised as follows:
- § 595.103-4 Nonavailability of supplies or materials. (a) The Secretary has delegated to the Assistant Chief of Staff, G-4, Department of the Army, authority to determine under the provisions of the Buy American Act upon a proper showing of facts, that certain articles, materials, or supplies of the class and kind to be used by the Army Establishment, or the articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality and to authorize the purchase from foreign sources, and use by the Army Establishment, of such articles, materials, or supplies from which they are manufactured. as are determined after a proper showing of fact, to be not mined, produced, or manufactured, as the case may be, in the

United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. This authority has been successively redelegated to the Chiefs and Assistant Chiefs of the Procurement Division, and Purchases Branch of that Division, respectively, in the Office of the Assistant Chief of Staff, G-4. A delegation has also been made to the heads of technical services. (See paragraph (c) of this section.)

(b) Section 405.103-4 of this title will be applied and used only after a determination, in writing, has been made by the Chief, Purchases Branch, Office, Assistant Chief of Staff, G-4 or by the head of the technical service, his deputy, or a general officer personally selected by him, as authorized in paragraph (c) of this section. Requests for such determinations shall be forwarded through channels and will contain the following information:

(1) Description of the item or items (include unit and quantity),

(2) Estimated cost.

- (3) State whether duty is included in estimated cost (if duty is not included but normally would be included therein, give reason for inclusion)
- (4) If item is to be procured f. o. b. origin, show transportation costs necessary to deliver to destination.
 - (5) Country of origin.
- (6) Name and address of proposed contractor.
- (7) Brief statement as to necessity for procurement.
- (8) State what effort was made to procure a similar item of domestic origin (if there is no known domestic item which may be used as a reasonable substitute, so state)
- (c) The determination referred to in paragraph (a) of this section may be made by the heads of technical services, subject to the following:
- (1) This authority will not be used for exemptions under § 405.104 or § 405.105-1 of this title. The head of the technical service is further authorized to redelegate to the deputy of the technical service or a general officer personally selected by the head of the technical service and appropriately assigned with respect to the procurement responsibilities involved.
- (2) There will be forwarded once a month to the Assistant Chief of Staff, G-4, Attn: Chief, Purchases Branch, a copy of all determinations and exemptions made by the Heads of the Technical Services. All determinations and exemptions will be collected and forwarded once a month, so as to be received in Office, Assistant Chief of Staff, G-4, by the 10th of the month following the month during which the exemption was granted.
- (3) A determination is prepared in substantially the following form:

CERTIFICATE

Pursuant to the authority contained in Section 2, Title III of the act of March 3, 1933, popularly called the Buy American Act (47 Stat. 1520; 41 U. S. C. 10a-d) and authority delegated to me by the Chief of Procurement Division, Office of the Assistant Chief of Staff, G-4, I hereby determine:

a. (Statement of the items to be procured and the necessity for this procurement and basis of nonavailability.)

Based upon the above showing of fact it is determined that the above described items are not mined, produced, or manufactured, or the articles, materials or supplies from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Accordingly, an exception is hereby granted under the provisions of the Buy American Act to the requirement that the above described procurement to be made from domestic sources and that it be of domestic origin. Authority is granted to procure the above described item(s) of foreign (Foreign Country) at an estimated total cost of \$ (Total Dollar Cost including transportation and duty).

- (d) When a determination has been made to the effect that the provisions of the Buy American Act are not applicable to the purchase, the signed copy of such determination will be attached to the voucher upon which payment is made.
- § 595.107 References in contractual documents. * * *
- (e) Special clause for the construction, alteration, or repair of public buildings and public works. The specifications accompanying the invitation for bids for the construction, alteration, or repair of public buildings or public works in the United States will contain the following:

Because the materials listed in § 405.109 of this title, or the materials from which they are manufactured, are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality, their use in the work herein specified (subject to the requirements of the specifications) is authorized, without regard to the country of origin.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 596-CONTRACT CLAUSES AND FORMS

- 1. Section 596.103-8 is revised to read as follows:
- § 596.103-8 Assignment of claims—
 (a) Set-off as against assignee. (1) In time of war or national emergency proclaimed by the President (including the national emergency proclaimed December 16, 1950) or by act or joint resolution of the Congress, contracts of the Army Establishment, as well as certain other Government agencies, may provide that payments due or to become due under such contracts shall not be subject to reduction or set-off as against an assignee.
- (2) Such provision is contained in the last sentence of clause (a) of the Assignment of Claims clause, set forth in \$406.103-8 of this title, which reads as follows:
- * * Nothwithstanding any other provision of this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

In cases where special circumstances make it advisable in the best interests of the Government, Heads of Procuring Activities may authorize deletion of the above quoted sentence. In any event,

the sentence will be deleted from (i) contracts entered into with foreign contractors, (ii) contracts for transportation of persons or property and (iii) contracts entered into after a war or national emergency proclaimed by the President or by act or joint resolution of the Congress has been terminated in such manner.

(3) Provisions having the same general effect although not precisely as quoted in subparagraph (2) of this paragraph, such as that previously authorized in § 405.103-8 of this title, will nevertheless entitle the assignce to the benefits of Public Law 30, 82d Congress.

- (4) Reduction of or set-off from payments to be made to an assignee will be effected with respect to liabilities of the assignor to the Government arising out of matters in connection with the contract, or of amounts which may be collected or withheld from the assignor in accordance with, or for failure to comply with, the terms of the contract, except as stated in § 406.103-8 of this title. Examples of cases in which set-off will be made include (but are not limited to)
- (i) Amounts due pursuant to price redetermination clauses.
- (ii) Deduction of liquidated damages.(iii) Excess costs and damages after termination for default.
- (iv) Equitable adjustments and rejections under the Changes, Inspection and Guaranty clauses.
- (v) Damages resulting from fraud or criminal conduct.
- (5) It is the view of the Department of the Army, concurred in by the General Counsel, Office of the Comptroller General and the American Bankers Association, that existing contracts containing the provision against set-off included in § 406.103-8 of this title, need not be amended in order to obtain the benefits of Public Law 30, 82d Congress, Accordingly existing contracts will not be amended for the above purpose.
- (b) Refunds, etc., of payments received by assignees. In any case in which moneys due or to become due under any contract are or have been assigned pursuant to section 1 of the Assignment of Claims Act of 1940, as amended, no liability of any nature of the assignor to the United States or any department or agency thereof, whother arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.
- (c) Filing of notice of assignment. The assignee shall file written notice of the assignment together with a true copy of the instrument of assignment with:
 - (1) The Contracting Officer.
- (2) The surety or sureties upon the bond or bonds, if any, in connection with the contract.
- (3) The Disbursing Officer, if any, designated in the contract to make payment.
- (d) Assignor's statement. Where direct payment is made to an assignee, the contractor will furnish on each youcher,

invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(e) Information to be furnished to assignees. Contracting Officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 597-TERMINATION

1. Section 597.704 is hereby revoked.

§ 597.704 Termination clause for research and development contracts. [Revoked.]

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 598-PATENTS AND COPYRIGHTS

1. Section 598,301-10 is revised to read as follows:

§ 598.301-10 Existing delegations under paragraphs (a) (b), (c) and (d) of § 598.301-9. (a) The powers, duties, and authorities described in paragraphs (a) (b) (c) and (d) of § 593.301-9 have been delegated by the Under Secretary of the Army or by the Officers designated m § 598.301-9 to each of the following offices, boards, agents or persons as indicated in the following tabulation:

D elega to	Powers, duties, and authorities described in paragraphs—			
Deregand		(b)	(0)	(d)
Heads of the Technical Services Royalty Board, Office of the Chief of Ordnance. The Chief of each Ordnance Procurement District (when such position is filled	~ <u>X</u>	ž	ž	z
by a commissioned officer on active duty). The Deputy Chief of each Ordinance Procurement District (when such position is filled by a commissioned officer on active duty and when the position of District Chief is not filled by a commissioned Officer on active duty). Commanding General, Ordinance Tank Automotivo Center. Commanding Officer, Detroit Arsenal. Commanding Officer, Frankfort Ordinance Arsenal. Commanding Officer, Picatinny Ordinance Arsenal. Commanding Officer, Rock Island Ordinance Arsenal. Commanding Officer, Springfield Ordinance Arsenal. Commanding Officer, Watertown Ordinance Arsenal. Commanding Officer, Office of the Chief Signal Officer Royalty Adjustment Board, Office of The Quartermaster General. Royalty Adjustment Board, Office of The Surgeon General. Chief, Legal Division, Office of the Chief of Engineers. Royalty Adjustment Board, Office of The Surgeon General.		X X X X X X	X	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

(b) If the head of a technical service desires that any of the powers, duties, and authorities set forth in § 598.301–9 be further delegated to any officer or employee within his command or jurisdiction, or that a board to receive such delegation be created within his service or command, a request to that effect may be transmitted to the appropriate office specified in § 598.301–9. Such request shall include the name, rank or grade, and a brief statement of qualifications with respect to each officer or employee to whom the delegation is desired.

(c) Where any of the powers, duties, and authorities set forth in § 598.301-9 have been or are hereafter delegated to a board, the said board shall, unless otherwise provided in the instrument of delegation, consist of three officers or employees of the service or command concerned, who shall be designated and appointed as provided in § 598.301-9. Unless otherwise provided in the instrument of delegation (1) a majority of said board shall determine its action, (2) any instrument or contract whatsoever evidencing action taken by the board may be signed in its name by any member of the board, and (3) any two members of such board shall constitute a quorum.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 599-BONDS AND INSURANCE

1. Section 599.102 is revoked.

§ 599.102 Bid bonds. [Revoked.] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 600—FEDERAL, STATE, AND LOCAL TAXES

1. Paragraph (a) of § 600.350 is revised to read as follows:

§ 600.350 Questions of applicability of tax laws; negotiations. (a) It is desired that uniformity of action on behalf of the Army Establishment in tax matters be maintained. Independent conferences or direct negotiations with State and local tax authorities will not be undertaken by Army Establishment or contractor personnel for the purpose of obtaining exemption, refund, or for determining the applicability of any tax, except upon express authority of the Office of The Judge Advocate General. In this connection attention is invited to paragraph 12, AR 27-5, April 3, 1951, relating to requests for Government representation in legal proceedings of interest to the Department of the Army. The Department of the Army is interested in legal proceedings arising out of the imposition of assessments of taxes upon contractors in instances where the contracts contain provisions that may form a proper basis for demands by them for reimbursement by the government in connection with the proceedings. Requests for representation or intervention by the Department of Justice in such proceedings will be made by The Judge

Advocate General, if necessary and proper, and will not be made by others in the Army Establishment.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

PART 601-LABOR

1. In § 601.101 (b) subparagraphs (3) and (4) are revised as follows:

§ 601.101 Labor relations. * * * * (b) Labor responsibility. * * *

(3) The Head of the Procuring Activity is authorized to communicate with local labor organizations, and the local offices of State and Federal agencies, for the purpose of removing necessary material from strikebound facilities in accordance with procedures prescribed in Subpart K of this part.

(4) Where any labor dispute, work stoppage, or threatened work stoppage significantly affects or threatens to affect important procurement, the Head of the Procuring Activity will submit a Report of Labor Disputes, Reports Control Symbol JAG-10, by the most expeditious and practical means available to The Judge Advocate General (Attn: Chief, Industrial Relations Branch) with an informational copy to the Assistant Chief of Staff, G-4, Department of the Army (Attn: Chief, Production Branch) Such report will include the following data, to the extent pertinent:

(i) Name and location of manufacturer; name and title of company official contacted (if manufacturer is a subcontractor, include the name and location of the prime contractor(s)).

(ii) Items being produced (if a subcontractor is involved, identify the prime contract items).

(iii) Name and national affiliation of union locals involved; names of local union official and result of any contacts with same.

(iv) Effect of production of Army materiel.

(v) Detailed description of critical items (if any) which should be removed from plant or continued to be processed there with mutual consent of contractor and union, if obtainable.

(vi) Date of commencement of the dispute and date of important incidents of the dispute such as notice of strike, strikes, lockouts, settlements, etc.

(vii) Statement of any action taken or contemplated by the manufacturer.

(viii) Contract number(s) and type thereof (fixed-fee, lump-sum, unit price, etc.)

(ix) The issues or probable issues involved.

(x) Estimated number of employees directly and indirectly involved; estimated number who may be involved ultimately, both directly and indirectly total number of employees at the facility.

(xi) Identity of any cognizant State and/or Federal authority engaged in mediation and conciliation activities.

(xii) Adequacy of plant guards and local police for protection of Government property, indicating whether plant-guard personnel are members of a union and, if so, local number and name, national affiliation, and whether it is expected that they will go on strike.

(xiii) The quantity of services or military items involved, scheduled performance or delivery dates and the relation of the production affected by the dispute to the total military procurement program with respect to those services or military items.

(XIV) The stocks of the affected items on hand by the Procuring Activity and the current and anticipated rate of their depletion.

(xv) The existence or nonexistence of alternative facilities to furnish the military items involved within the time required.

(xvi) An appraisal of the degree and extent of emergency which is presented by the threatened or actual stoppage.

(xyii) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or material.

When time considerations do not permit expeditious reporting of all the information in this subparagraph, whatever information is immediately available should be furnished in the initial report. However, in such circumstances the additional information required in this subparagraph will be submitted by the most expeditious means as soon as possible. Supplemental reports will be submitted as necessary to report important development following the initial report. In situations of urgency, mitial and supplemental reports should be made by telephone (Chief, Industrial Relations Branch, JAGO), or other informal means, but in all such cases the information informally submitted shall be confirmed in writing as soon as possible thereafter.

2. A new Subpart K, including §§ 601.1101, 601.1150, 601.1151, 601.1152, and 60.1153, is added to Part 601 as follows:

SUBPART K—REMOVAL OF ITEMS FROM FACILITIES AFFECTED BY WORK STOPPAGE

Sec.

601.1101 Basic considerations.

601.1150 Determination of urgency.

601.1151 Administrative procedure. 601.1152 Coordination.

601.1152 Coordination.
601.1153 Avoidance of detrimental incldents.

§ 601.1101 Busic considerations. Policy and procedure governing the removal of items from facilities affected by work stoppage prescribe that principal reliance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement. provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall undertake the mediation of such dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

§ 601.1150 Determination of urgency. Before action leading to the removal of any item is mitiated, assurance will be secured that the item in question is urgently needed. Among the factors to be considered in determining urgency are:

(a) Whether the product is in such short supply that unless it is removed there will be a failure to meet schedules for urgently needed military items.

(b) Whether there are alternative sources of supply of such products reasonably available to furnish the particular item within the time within which delivery is required.

§ 601.1151 Administrative procedure. Where urgency is clearly established, Procuring Activities may seek the removal of military items from facilities effected by a work stoppage in accordance with the following procedures:

(a) An attempt will be made to work out an arrangement with plant management and the local union involved for the removal of the required items by the shipping means normally used by the company.

(b) If the course prescribed in paragraph (a) of this section is not successful, an effort will be made to obtain the concurrence of both parties to the labor dispute for removal of the items by military vehicles and, if necessary, by military personnel.

(c) If the procedures prescribed in paragraphs (a) and (b) of this section fail, and upon a determination by the Head of the Procuring Activity that additional efforts should be made to accomplish removal of the Ifems in question, the Head of the Procuring Activity will submit the matter to the Procurement Secretary, Attn: Office of the Labor Adviser, with appropriate recommendation and comment to insure effective and coordinated action. Referrals of removal cases to the Procurement Secretary will include the following information:

(1) Name and address of company from which items are to be removed.

(2) Name of company official who may be contacted for purposes of effectuating removal.

(3) Identification and address of local union.

(4) Name of local union official who may be contacted for purposes of effectuating removal.

(5) Brief statement relating to the reasons for the necessity of removing the items in question.

(6) Description of items to be removed: Nature of items, amount, approximate weight, purchase order number, shop or number.

(7) Amount of work required preparatory to shipment of items.

(8) Mode of transportation by which items are to be removed.

(9) Destination of items.

(d) All action taken pursuant to paragraphs (a) and (b) of this section will be reported, through channels, to the Procurement Secretary, Attn: Office of the Labor Adviser.

§ 601.1152 Coordination. (a) Where two or more Procuring Activities are, or

may become, involved in the removal of urgent items from a facility affected by a work stoppage, efforts will be made by the Procuring Activities concerned to agree on a single Procuring Activity, where practicable, to effectuate removal arrangements.

(b) In situations affecting one or both of the other military departments, removal arrangements should be similarly coordinated, where practicable, by the Procuring Activities involved, with representatives of other military departments.

§ 601.1153 Avoidance of detrimental incidents. It is emphasized that the express policy of the Department of Defense with respect to the removal of items from facilities affected by work stoppages is to avoid the use of force or the appearance of force, and care will be taken to prevent the occurrence of incidents detrimental to harmonious relations with labor and management.

[C 9, App. Nov. 15, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

[SEAL] WM. E. BERGIN, Major General, U. S. Army. The Adjutant General.

[F. R. Doc. 53-1395; Filed, Feb. 11, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 42, Amdt. 6]

GOR 42—Adjustments Under the Industry Earnings Standard for Machinery and Related Manufactured Goods and Building Materials

ASBESTOS PAPER, ASBESTOS MILLBOARD AND CONVERTED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 42 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 42 provides for interim adjustments in the ceiling prices of asbestos paper, asbestos millboard and converted products. It was found after a statistical survey of the industry that these adjustments are required under the "Industry Earnings Standard." This standard, which is explained in more detail in the statement of considerations accompanying the original GOR 42, is applied by OPS to insure that ceiling prices of commodities are generally fair and equitable.

The adjustments authorized herein are to be applied to the present selling prices of the commodities. The industry has continued to sell at its GCPR ceiling prices, none of the firms in the industry have applied for "Capehart" adjustments.

The increased cost of asbestos paper which may result from the issuance of

this amendment was taken into account in calculating the adjustment for converted products. Increased costs of outbound transportation were also taken into account in determining the amounts of the adjustments authorized by this amendment.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 42 is amended in the following respect:

1. Article II is amended by the addition of the following section 26:

Sec. 26 Asbestos paper asbestos mill-board and converted products—(a) Commodities included. (1) Asbestos paper, which is defined as a flexible felted material, composed principally of asbestos fiber and binder, and manufactured in various weights and thicknesses for various insulating purposes and for use in the manufacture of asbestos paper insulation as defined below.

(2) Asbestos millboard, which is defined as a material in the form of semi-flexible sheets of various sizes and thicknesses, composed principally of asbestos fiber and binder, manufactured for such industrial uses as protection against fire,

heat and acid fumes.

(3) Converted products, which consist of asbestos paper insulation and wool felt insulation. Asbestos paper insulation is defined as any of several types of insulating materials which are composed of layers of asbestos paper in the form of pipe covering, blocks or flat, curved or flexible sheets used for such purposes as insulating low pressure steam pipes and boilers, hot water storage tanks, medium high temperature steam pipes and boilers, and warm air pipes and ducts. Wool felt insulation is defined as any of several types of insulating materials which are composed of layers of wool felt paper, sometimes with the addition of waterproof liners and wrappers, used for insulating hot and cold water pipes and preventing condensation on cold water pipes. This paragraph does not include the materials known as "building paper," or any material when used in the manufacture of roofing, or any other material not included in the terms "asbestos paper," "asbestos millboard," "asbestos paper insulation" or "wool felt insulation" by ordinary business usage.

(b) Adjustment period price. The adjustment period price for each commodity included in paragraph (a) of this section is the highest price at which it was delivered or offered for delivery during the period October 1, 1952 to February 11, 1953, not to exceed the applicable

ceiling price then in effect.

(c) Percentage adjustments. The percentage adjustment for each commodity or group of commodities included in this section 26 is the percentage listed below opposite that commodity or group of commodities:

(d) Relationship to GOR 35. The adjusted ceiling prices established by this section may be further adjusted under the provisions of General Overnding Regulation 35 (Pass through for pigiron, steel copper and aluminum cost increases) where applicable, for the purposes of GOR 35. The adjusted ceiling price under this section shall constitute the "old ceiling price" as defined in section 21 of GOR 35.

(e) Effective date. The adjustment authorized by this section 26 becomes effective February 11, 1953.

(Sec. 704, C4 Stat. 816, as amended; 50 U.S. C. App. Sup. 2154)

Effective date. This amendment is effective February 11, 1953.

JOSEPH H. FREEHILL, Director of Price Stabilization.

FEERVARY 11, 1953.

[F. R. Doc. 53-1483; Filed, Feb. 11, 1953; 11:47 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

OFFICE OF CHIEF SIGNAL OFFICER

STATEMENT OF ORGANIZATION AND FUNC-TIONS OF AGENCIES DEALING WITH THE PUBLIC

Paragraph (j) (7) of section 2, statement of organization and functions, published in 16 F. R. 7775, August 8, 1951, is amended to include subdivisions (x) and (xi) as follows:

Sec. 2. Organization and functions of agencies dealing with the public. * * *

- (j) Office of the Chief Signal Officer. * * *
 - (7) Organization. * * *
- (x) Procurement of the items of Signal Corps equipment and services mentioned below is handled by the Signal Corps Supply Agency and its branches at the following locations:
- (a) Signal Corps Supply Agency, 225 South Eighteenth Street, Philadelphia 3, Pennsylvania (Telephone: Kingsley 6-3200) Chicago Regional Office, SCSA, 615 West Van Buren Street, Chicago 7, Illinois (Telephone: Andover 3-0234), Los Angeles Regional Office, SCSA, Parkway Building, 117 East Colorado Street, Pasadena 1, California (Telephone: Ryan 1-6655), New York Regional Office, SCSA, 70 East Tenth Street, New York 3, New York (Telephone: Spring 7-4200)

Antenna equipment. Batteries, primary. Capacitors. Coils. Cords and cable assemblies. Electrical test equipment. Electron tubes. Facsimile and sound equipment. Flashlights and lanterns. Headsets and microphones. Industry preparedness measures. Insulators and insulating material.

Line construction material. Meteorological equipment. Pigeon equipment. Quartz crystals. Radar equipment. Radio equipment.
Radiological detecting devices. Reels, wire and cable. Splicing material. Teletypewriter equipment. Tool equipment. Transitors. Wire and cable, communications, Wire communications equipment, field. Wire communications equipment, fixed plant. Miscellaneous communications and electronics parts and materials.

(b) Laboratory Procurement Office, Signal Corps Supply Agency, Watson Area, Fort Monmouth, New Jersey (Telephone: Eatontown 3-1060) (Contracts for basic research on Signal Corps equipment and for developmental items.)

(c) Pictorial Center Procurement Office, SCSA, 35-11 35th Avenue, Long Island City 1, New York (Telephone:

Ravenswood 6-2000) (Production of Motion Pictures, including hiring of actors, narrators, directors, and similar personnel, and photographic equipment and supplies, except film and photographic paper.)

(xi) The Signal Corps Supply Agency and its branches maintain bidders' lists containing names and addresses of responsible producers and regular dealers in the items listed in subdivision (x) of this subparagraph. Applications by producers and dealers to have their names placed on such bidders' lists may be made in writing to the Deputy for Procure-ment, Signal Corps Supply Agency, 225 S. Eighteenth Street, Philadelphia 3, Pennsylvania, or the Commanding Officer of appropriate regional office, or the Laboratory Procurement Office, Watson Area, Fort Monmouth, New Jersey details should be furnished concerning the types of material produced or dealt in, plant capacity or quantities available and other facts showing capability to perform contracts which may be awarded. Invitations to bid are sent by contracting officers only to persons and companies listed on bidders' lists. Other interested parties may inspect copies of invitations which are posted on bulletin boards maintained in the procuring offices and available in the Procurement Information Center, in the Old Post Office Building, Washington, D. C. Drawings and specifications, if available, are supplied to 860 NOTICES

bidders by contracting officers. Invitations to bid are issued in quintuplicate. Bids are required to be completed in accordance with instructions issued with the invitations. One copy of the bid should be retained by the bidder and four copies in a sealed envelope must be submitted to the contracting officer at the place and on or before the hour and date specified in the invitation. In the case of formally advertised procurements, public openings of bids are held, ordinarily thirty (30) days after the issuance of invitations. Bidders or their representatives may be present at the public opening of bids.

[SEAL] WM. E. BERGIN, Major General, U.S. Army, The Adjutant General.

[F. R. Doc. 53-1396; Filed, Feb. 11, 1953; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COMPAGNIE GENERAL TRANSATLANTIQUE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7887 between Compagnie General Transatlantique and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Belgium (Antwerp) and France (Le Havre, Bordeaux) to the Virgin Islands, with transhipment at New York.

(2) Agreement No. 7888 between N. V Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland America Line" and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Holland and Belgium to the Virgin Islands, with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 9, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS. Secretary.

[F. R. Doc. 53-1434; Filed, Feb. 11, 1953; 8:50 a. m.]

TH. BROVIG, "MEXICAN LINE" ET AL. NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7886 between Th. Brovig, "Mexican Line" and Lykes Bros. Steamship Co., Inc., covers the transportation of cargo under through bills of lading from Mexico to Puerto Rico with transhipment at Houston, Texas.

(2) Agreement No. 7883 between Aztec Line and Waterman Steamship Corp., covers the transportation of cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New Orleans, La.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington D. C., and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 9, 1953.

By order of the Federal Maritime Board.

[SEAL]

regulations.

A. J. WILLIAMS, Secretary.

[F. R. Doc. 53-1435; Filed, Feb. 11, 1953; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended: 29 U.S.C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below conditions provided in certificates issued under special industry regulations are as established in these

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F R. 12043 and June 2, 1952; 17 F R. 3818)

The Andala Co., Coffee Street, Andalusia, Ala., effective 1-27-53 to 7-26-53; 20 learners for expansion purposes (work shirts and pants).

Colonial Fashions, Inc., 114 North Union Street, Petersburg, Va., effective 1-28-53 to 7-27-53: 75 learners for expansion purposes (dresses)

Dublin Garment Co., Temporary Building, 403 East Jackson Street, Dublin, Ga., effective 2-2-53 to 8-1-53; 75 learners for expansion

purposes (sport shirts).

Dungaree Corp. of America, 194 Silver
Street, Sharon, Pa., effective 1-31-53 to 7-30-53; 10 learners for expansion purposes (dungarees).

(dungarees).
Dungaree Corp. of America, 194 Silver Street, Sharon, Pa., effective 1-31-53 to 1-30-54; 10 learners (dungarees).
Dunhill Shirt Co., Holden, Mo., effective 1-30-53 to 7-29-53; 10 learners for expansion purposes (men's shirts).
Duti-Duds, Inc., 1117 Clay Street, Lynchburg, Va., effective 1-29-53 to 7-28-53; 10 learners for expansion purposes (nurses', medic's uniforms). maids' uniforms).

Ely & Walker Factory, Paragould, Ark., effective 1-30-53 to 1-20-54; 10 percent of the productive factory force (sport shirts). Exmore Shirt Co., Inc., Broad Street, Exmore, Va., effective 1-28-53 to 7-27-53; 76

learners for expansion purposes (dress and sport shirts).

Forest City Manufacturing Co., DeQuoin, Ill., effective 2-2-53 to 5-1-53; 15 learners for expansion purposes (dresses).

Har-Tin Manufacturing Co., 1339 North Main Avenue, Scranton, Pa., effective 1-29-53

Huggins Garment Co., Inc., Donalds, S. C., effective 1–29–53 to 1–28–54; 6 learners (sport and utility shirts).

Marja Brassiere Co., Inc., 210–12 East Commerce Street, Jacksonville, Tex., effective 2–2–53 to 2–1–54; 10 percent of the productive factory force (brassieres).

Mode O'Day Corp., 607 West Main Street, Osawatomie, Kans., effective 1-28-53 to 7-27-53; 30 learners for expansion purposes (ladies' blouses).

Patterson Manufacturing Co., Siloam Springs, Ark., effective 1-29-53 to 1-28-54; 10 learners (dungarees and ladies' sports-

wear).
Rival Dress Co., 110 West Blaine Street, Mc-Adoo, Pa., effective 1-26-53 to 1-23-54; 10 learners (dresses).

H. A. Satin & Co., Inc., 2013 West Iowa

Street, Evansville, Ind., effective 1-28-53 to 7-27-53; 10 learners for expansion purposes (women's cotton dresses).
I. Schnelerson & Sons, Inc., Sanford, N. C.,

effective 1-30-53 to 1-29-54; 10 learners (women's cotton and rayon slips and petticoats)

I. Schneierson & Sons, Inc., Randleman, N. C., effective 1-30-53 to 1-29-54; 10 percent of the productive factory force (women's

cotton slips and petticoats).

I. Schneierson & Sons, Inc., Silver City,
N. C., effective 1-30-53 to 1-29-54; 10 percent of the productive factory force (women's rayon slips and petticoats).

Seekay Manufacturing Co., 320 Convent Street, Laredo, Tex., effective 1-29-53 to 1-28-54; five learners (children's dresses). Sorbeau Juvenile Manufacturing Co., 821

Central Avenue, Dubuque, Iowa, effective 2-14-53 to 2-13-54; five learners (infants wear).

Tidewater Garment Co., Inc., 2309 Wash-ington Avenue, Newport News, Va., effective 2–2–53 to 2–1–54; 10 learners (dresses and gowns).

United Pants Co., Inc., Nuangola Branch R. D. No. 2, Mountain Top, Pa., effective 1-31-53 to 1-30-54; five learners (trousers and jackets).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga., effective 1-27-53 to 7-26-53; 50 learners for expansion purposes (work clothing).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F R. 8633)

Alles & Fisher, Inc., 716 Columbus Avenue, Boston 20, Mass., effective 1-29-53 to 1-28-54;

10 percent of the productive factory force engaged in the learner occupations; cigar machine operating, 320 hours; packing (cigars retailing at more than 6 cents), 320 hours; stripping, 160 hours; each 65 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F R. 10733)

Acme Hossery Mills, Inc., North Street, Asheboro, N. C., effective 1-30-53 to 1-29-54; 5 percent of the productive factory force. Standard Hossery Mills, Inc., Pittsboro

Standard Hosiery Mills, Inc., Pittsboro Division, Pittsboro, N. C., effective 1-29-53 to 1-28-54; five learners.

Vermont Hosiery & Machinery Co., Northfield, Vt., effective 1-29-53 to 1-28-54; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Crawford Telephone & Telegraph Co., Girard, Kans., effective 1-28-53 to 1-27-54. Home Telephone Co., Smithfield, Va., effective 1-29-53 to 1-28-54.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Caribe Aircraft Radio Corp., Coamo, P. R., effective 1-26-53 to 7-25-53; 40 learners; subassembly of radio parts, 240 hours at 35 cents per hour; assembly of parts into radios, 360 hours at 35 cents per hour; testers, 360 hours at 35 cents per hour; machine shop operators, 320 hours at 33 cents per hour, 320 hours at 35 cents per hour, 37 cents per hour (subassembly and assembly of radios).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the Federal Register pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of February 1953.

MILTON BROOKE, Authorized Representative of the Administrator.

[F. R. Doc. 53-1397; Filed, Feb. 11, 1953; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHOR-ITY BY WIRGINIA STATE PRODUCTION AND LIARKETING ADMINISTRATION COMMITTEE

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts

(17 F. R. 10611) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U.S. C. 1002 (a)) which requires delegations of final authority to be published in the Federal Register, there are set out herein the redelegations of final authority which have been made by the Virginia State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer to whom the authority has been redelegated:

VIRGINIA

Sections 729.418 (b) (5), 729.419, 729.421, 729.424 (a) and 729.430—Chairman or Acting Chairman of the State PMA Committee.

Issued at Washington, D. C., this 9th day of February 1953.

[SEAL] HOWARD H. GORDON,

Administrator Production
and Marketing Administration.

[F. R. Doc. 53-1403; Filed, Feb. 11, 1953; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 1]

CUBAH BROADCAST STATIONS

MOTIFICATION OF NEW STATIONS, LIST OF CHARGES, MODIFICATION AND DELETIONS OF EXISTING STATIONS

JAHUARY 12, 1953.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

This Change List is intended to clarify Lists Numbers 8 and 19, 1952.

RETURNS OF CUBA

Cali letters	Lemilen	Power kw	Antonna	Sekedule	C lass	Proposed date of change or commencement of operation
CMRI	Guantanamo, Oriento (PO: 160 ke).	0.23-D; 0.1—N	1119 Milesgeles ND 1220 Milesgeles	υ	п	Upon entry into force of the agreement.
NEW	Bayamo, Oriente	6.23	ND	ប	īv	Mar. 14, 1933, cynchro- nized with CMCI— Havana.
CMIS	Ciego do Avila, Cama- guey.	0.23	ND	ď	п	Mar. 14, 1953.

Assignment of call letters: change in location and characteristics. See new Annex 3.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc, 53-1432; Filed, Feb. 11, 1953; 8:49 a. m.]

DEFENSE MATERIALS PROCURE-MENT AGENCY

[Delegation No. 23]

DEPUTY ADMINISTRATOR

DELEGATION OF AUTHORITY TO EXERCISE FUNCTION AND AUTHORITY OF ACTING ADLINISTRATOR

Pursuant to the authority vested in me by the President's letter of February 10, 1953, and to the extent permitted by law, there is hereby delegated to the Deputy Administrator of the Defense Materials Procurement Agency the authority to exercise the functions vested in me as Acting Defense Materials Procurement Administrator.

- 1. The authority herein delegated may not be redelegated.
- 2. Delegation No. 2, dated September 17, 1951 (16 F R. 9617), is hereby super-seded.

(E. O. 10161 (15 F. R. 6105), as amended by E. O. 10281 (16 F. R. 8789))

This delegation shall be effective as of the date hereof.

Dated: February 10, 1953.

RUSSELL FOREES,
Acting Defense Materials
Procurement Administrator.

[F. R. Dec. 53-1457; Filed, Feb. 11, 1953; 9:11 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-1443]

OHIO FUEL GAS CO.

HOMCE OF ORDER HODIFYING ORDER ISSU-ING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEERUARY 6, 1953.

Notice is hereby given that on February 5, 1953, the Federal Power Commission issued its order entered February 3, 1953, modifying order (15 F. R. 7231) issuing certificate of public convenience

and necessity in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1399; Filed, Feb. 11, 1953; 8:45 a. m.]

[Docket No. G-1487]

CITY OF HASTINGS, NEBR., AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF OPINION

FEBRUARY 6, 1953.

Notice is hereby given that on February 5, 1953, the Federal Power Commission issued its Opinion No. 244 entered January 30, 1953, in the above-entitled matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1400; Filed, Feb. 11, 1953; 8:45 a. m.]

[Docket Nos. G-1595, G-1870]

Kansas-Colorado Utilities, Inc. and Colorado Interstate Gas Co.

NOTICE OF OPINION NO. 245

FEBRUARY 6, 1953.

In the matter of Kansas-Colorado Utilities, Inc., Docket No. G-1595; Colorado Interstate Gas Company, Docket No. G-1870.

Notice is hereby given that on February 4, 1953, the Federal Power Commission issued its opinion and order entered January 30, 1953, in the above-entitled matters, issuing certificate of public convenience and necessity, denying application in part, and dismissing application in Docket No. G-1595.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-1401; Filed, Feb. 11, 1953; 8:46 a. m.]

[Docket Nos. G-1899, G-2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF FINAL DECISION

FEBRUARY 5, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on January 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on February 5, 1953, as the final decision and order of the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1427; Filed, Feb. 11, 1953; 8:49 a. m.]

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

NOTICE OF AMENDED AND SUPPLEMENTED APPLICATION

FEBRUARY 6, 1953.

Take notice that Northern Natural Gas Company (Applicant) a Delaware corporation with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed on September 12, 1952, supplemented September 29 and October 27, 1952, and amended and supplemented on January 26, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the natural-gas transmission pipe-line facilities hereinafter described.

Applicant proposes to construct, at the estimated cost indicated below, the following facilities, all as more fully described in the application as amended and supplemented:

(I) Proposed to be constructed prior to January 1, 1954.

0.4 2.01

1952, and amended and supplemented on (A) Main Pipe	January Line Addition	•		
		Diameter (inches)	Longth (miles)	Estimated cost
(1) Between El Paso Natural Gas Co.'s, Dumas, Tex., compressor station and applicant's Sunray compressor station. (2) Between applicant's Sunray compressor station. No. 5, at junction of its Sunray and Skellytown pipelines		11012044111	14. 6 37. 3 20. 4 16. 8 9. 4 9. 0 10. 6 33. 3 39. 2 31. 6 15. 9 10. 7 0. 4	\$1, 223, 000 2, 625, 000 1, 608, 000 1, 213, 000 760, 000 879, 000 2, 691, 000 2, 694, 000 800, 000 800, 000 100, 3500, 000
(B) COMPRES				
	Number of units	Horsepower/ unit	228.5 total horsepower	Estimated cost
(1) Beaver, Okla., second station	1 2 3 3 2	1,600 1,600 5,000 5,000 1,600	1,600 3,200 15,000 16,000 3,200	\$1,001,000 1,070,000 2,688,000 2,688,000 1,879,000
Total	11		39,000	8, 710, 000
(O) Branch Pipeline	AND OTHER A	DDITIONS		
		Diameter (inches)	Longth (miles)	Estimated cost
(1) Coldwater, Kans., line loop. (2) Greensburg, Kans., line replacement. (3) Claflin, Kans., line loop. (4) Delphos, Kans., line loop. (5) Auburn-Pawnee City, Nebr., line loop. (6) Auburn-Pawnee City, Nebr., line loop. (7) Pawnee City, Nebr., line loop. (8) Oakland, Iowa, line loop. (9) Perry, Iowa, line loop. (10) Des Moines, Iowa, line loop. (11) Marshalltown, Iowa, line loop. (12) Webster City, Iowa, line loop. (13) Mason City, Iowa, line loop. (14) Kensett, Iowa, line loop. (15) Owatonna, Minn., line loop. (16) Rochester, Minn., line loop. (17) Columbus, Nebr., line loop. (18) Arlington, Nebr., line loop. (19) Oakland, Nebr., line loop. (20) Wayne, Nebr., line loop. (21) Yankton, S. Dak., line loop. (22) Le Mars, Iowa, line loop. (23) Gherokee, Iowa, line loop. (24) Sioux Falls, S. Dak., second line. (25) Worthington, Minn., line loop.		33366636636663666666666666666666666666	2.90 4.8 2.0 0.70 4.8 4.8 2.41 18.0 5.0 13.75 2.4 1.0 11.0 10.83 3.02 6.0 11.0 10.83 3.02 6.0 11.0 11.0 11.0 11.0 11.0 11.0 11.0	\$20, 300 42, 700 17, 800 17, 800 70, 000 53, 800 62, 800 621, 000 100, 000 801, 400 24, 600 90, 500 120, 200 121, 200 121, 200 122, 200 123, 200 123, 200 124, 600 90, 500 127, 200 128, 600 120, 200 121, 200
Total			245.42	0, 573, 000
(D) Branch Lines and Town Border St	TATIONS (TBS	To Serve N	EW COMMUNI	TIES
(1) Bellevue, Nebr. (TBS only)		, 6 2 4 2 4 8 8	16.8 0.25 7.8 3.25 4.0 1.88 0.4	\$9,710 217,317 8,380 87,080 30,295 47,180 49,817

(8) Ankeny, Iowa
(9) Mitchellville, Iowa
(10) Colfax, Iowa

	Diameter (inches)	Longth (miles)	Ectimated cast
(11) Waterloo, Iowa (including river crossings) (12) Newton, Iowa (13) Castle Hill, Iown (14) Klemme, Iowa (15) Bed Wing, Minn (16) Cannon Falls, Minn (17) Eagle, Nebr (18) Waverly, Nebr (19) North Bend, Nebr (29) Harnsburg, S. Dak (21) Storm Lake, Iow (22) Alts, Iowa (23) Alts, Iowa (24) Savage, Minn	150000 Housesses		} 8,00,60 80,80 19,00 19,00 19,00 7,00 7,00 7,00 40,00 10,00 8,00 8,00 8,00 8,00 8,00 8,00 8,00
Total		231.4	6, 193, 599
(E) Other facilities	**************	·	

IL Proposed to be constructed prior to January 1, 1935.

(A) MARY PIPELINE ADDITIONS

	Diameter (inches)	Length (miles)	Estimated Curt
(1) Beaver, Okla, north (third line). (2) Mullinville, Kans, north (fourth line). (3) Bushton, Kans, north (fourth line). (4) Midpont compressor station No. 2, Kansas, north (fourth line). (5) Clifton, Kans, north (firth line). (6) Beatnee, Nebr., north (finth line). (7) Palmyra, Nebr., north (finth line). (8) Oakland, Iowa, north (third line). (9) Ogden, Iowa, north (third line). (10) Ventura, Iowa, north (third line). (11) South Sioux City, Iowa, north (second line). (12) Underrossings—Beaver, Solomon, Big Blue, Middle Raccoon and Boone Rivers. (13) Underrossing—Missouri River.	29 29 20	23.0 14.2 10.0 10.3 21.1 10.7 18.4 11.3 10.5 1.0	1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
Total .		179.8	15,003,000

(B) Compressor Additions

	Number of units	Hersepower/ unit	Total horsapawar	Estimated cass
(1) Beaver, Okla., No. 2station (2) Mullinville, Kans., station. (3) Midpoint station No. 1, Kansas. (4) Midpoint station No. 2, Kansas. (5) Palmyra, Nebr., station.	4 3 1 1 2	1,600 1,000 5,600 5,000 1,000	6,490 4,690 5,690 5,690 8,790	\$1,50,60 1,10,60 70,60 1,0,60
Total	11		21,439	5,670,613
(C) Other facilities Interest during construction				

(C) Other recentries Interest during construction	£31 (18)
General administration.	400,000
(II) Total estimated east	21,000,000
Total estimated cost for G-2063 project	009 202 00

Applicant proposes to finance the proposed facilities through the issuance and sale of additional common stock and debentures as outlined and described in the application as amended and supplemented, particularly the first supplement thereto.

The installation of the proposed facilities, according to the amended and supplemented application, will provide the added facilities required by Applicant to receive peak day volumes of 200 MMcf

¹Notice of the G-2063 application filed on September 12, 1952, as supplemented on September 29 and October 27, 1952, was published in the Federal Register on November 1, 1952 (17 F. R. 9907-9908). in 1954 and 200 MMcf in 1955 and thereafter from Permian Easin Pipeline Company, as proposed to be supplied by that company under its amended and supplemented application now pending before the Commission in Decket No. G-1928.* The application states that installation of the G-2063 facilities, upon receipt of 200 MMcf of natural gas from Permian in 1954, will increase Applicant's daily

*Notice of the G-1928 application filed on March 28, 1952, as supplemented on September 5 and October 7, 1952, and supplemented and amended on November 20, 1952, was published in the Federal Register on January 30, 1953 (18 F. R. 658). system calable capacity from 818 IAMef ² to 1,019 MMef, and upon recept of the additional 100 IAMef from Permian in 1955, will increase such capacity to 1,112 MMef.

Applicant states that the proposed capacity increase resulting from the facilities proposed will be adequate to supply the additional contract demand volumes, beyond such volumes as are proposed to be supplied by Applicant's Docket No. G-1618 capacity, which Applicant's gas utility customers have requested for the presently served communities for use during the 1953-1954 heating season, and, in addition, will provide approximately 17 MMcf per day for certain new communities not presently served natural gas.

Protects or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (13 CFR 1.8 or 1.10) on or before the 26th day of February 1953. The application, as amended and supplemented, is on file with the Commission for public inspection,

[SEAL] LEON M. FUQUAY,
Secretary.

[P. R. Doc. 53-1393; Filed, Feb. 11, 1953; 8:45 a. m.]

[Project No. 843]

PUGET SOURD POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COURTY, WASHINGTON

MOTICE OF ORDER ALIENDING LICENSE

FEERVARY 6, 1953.

Notice is hereby given that on December 8, 1952, the Federal Power Commission issued its order entered December 2, 1952, amending license in the above-entitled matter.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-1402; Filed, Feb. 11, 1953; 8:45 a. m.]

[Project No. 1835]

PLATTE VALLEY PUBLIC POWER AND IRRIGATION DISTRICT

NOTICE OF ORDER ALIENDING LICENSE (LIAJOR)

FEERVARY 6, 1953.

Notice is hereby given that on Decomber 18, 1952, the Federal Power Commission issued its order entered December 16, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON IA. FUQUAY,
Secretary.

[F. R. Dec. 53-1403; Filed, Feb. 11, 1953; 8:46 a.m.]

The application states that Applicant assumes, in its G-2003 application, that the additional facilities involved in the Matter of Northern Natural Gas Company, Docket No. G-1618, will be constructed and placed in service prior to January 1, 1954.

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SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE Co. `
ORDER GRANTING RECITALS

FEBRUARY 5, 1953.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having previously filed an application for approval of a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") proposing the disposition of its holdings of common stock of the Washington Water Power Company ("Washington Company") to be received pursuant to a plan of American Power & Light Company, a registered holding company and a former subsidiary of Bond and Share, and the Commission having approved such plan by memorandum opinion and order entered July 30, 1952 (Holding Company Act Release No. 11412) and

Bond and Share having in due course received from American Power & Light Company 183,050 shares of common stock of the Washington Company, which shares it had undertaken to dispose of pursuant to the aforesaid plan, and Bond and Share having distributed to its stockholders, pursuant to a dividend, 105,007 shares of such stock, and having sold an additional 11,500 shares, leaving a balance of 66,543 shares remaining to be disposed of; and

Bond and Share having on February 3, 1953, notified the Commission, pursuant to Rule U-44 (c) of the general rules and regulations of the act, of its intention to sell its remaining holdings of the common stock of the Washington Company, together with any shares (not to exceed 10,000) purchased for the purpose of stabilization pursuant to authority of this Commission entered by order dated February 3, 1953, and the Commission having on February 3, 1953, notified Bond and Share that no declaration need be filled with respect to such proposed disposition, and that the tenday period prescribed in Rule U-44 (c) was being waived; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted;

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 66,543 shares of common stock of the Washington Water Power Company to Blythe & Co., Inc., is necessary or appropriate to the integration and simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue

Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 53-1405; Filed, Feb. 11, 1953; 8:46 a. m.]

[File No. 54-210]

SOUTHERN NATURAL GAS CO. AND ALABAMA GAS CORP.

NOTICE REGARDING PLAN AND ORDER FOR HEARING

FEBRUARY 6, 1953.

Notice is hereby given that Southern Natural Gas Company ("Southern") a registered holding company and Alabama Gas Corporation ("Alabama") a public utility subsidiary of Southern, have filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for compliance with section 11 (b) thereof.

Southern, a Delaware corporation, is engaged in the production and purchase and the interstate transmission and sale of natural gas. Alabama, a corporation organized under the laws of the State of Alabama, is Southern's only public utility subsidiary, and is engaged in the distribution of natural and manufactured gas solely in Alabama. Of the total of 841,198 shares of Alabama common stock outstanding, 831,765.48 shares (98.88 percent) are held by Southern and the remaining 9,432.52 shares (1.12 percent) are publicly held. Southern's other subsidiaries (not directly involved herein) are Apex Gas Company, Inc., a small gas transmission company operating solely in Louisiana, and Coastal Pipe Line Company, an mactive corporation, both wholly owned.

The plan provides that the common stock of Alabama held by Southern will be distributed pro rata to the holders of common stock of Southern on a record date (to be fixed by the Board of Directors of Southern) at least ten but not more than twenty days prior to the distribution date at the rate of 0.24306 share of Alabama common stock for each share of Southern common stock. No fractions of shares shall be distributed. Such common stock of Alabama which is not to be distributed due to fractional shares shall be sold by Southern on or before the distribution date (but after the record date) or as soon as practicable after the distribution date, and there shall be distributed as soon as practicable after such sale to each holder of common stock of Southern on the record date otherwise entitled to receive a fraction of a share of Alabama common stock an amount of cash equivalent to his pro rata share of the proceeds of sale, without deduction of expenses and taxes incident to the sale.

A distributing agent or agents will be appointed to distribute the Alabama shares and/or cash in lieu of fractional shares.

The Commission will be notified, at least five days in advance of any distribution under the plan, of the arrangements which shall have been made for carrying out such distribution and the transactions incident thereto and for the designation of the distributing agent or agents, and may proceed in accordance with such arrangements in the absence of objection from the Commission made within five days of the filing of such notification with the Commission.

The shares of Alabama common stock distributed to Southern stockholders shall be accompanied by pertinent information concerning Alabama in such form as the Commission shall approve

before the mailing thereof.

At or before the distribution of Alabama stock and cash by Southern to its stockholders as provided in this plan, (1) the three representatives of Southern on the Board of Directors of Alabama shall resign from such Board and the representative of Alabama on the Board of Directors of Southern shall resign from such Board, (2) Southern and Alabama shall cease to have any common officers, and (3) the Board of Directors of Alabama shall be reconstituted, with a majority of the directors consisting of persons who are not officers or employees of Alabama. The Certificate of Incorporation of Alabama will be amended to provide for cumulative voting and in certain other respects.

The plan provides that Southern shall pay such fees, expenses and remuneration in connection with the plan and its consummation as are approved, determined, awarded, allowed or allocated by

the Commission.

The plan is conditioned, among other things, upon the Commission making the necessary findings and recitals in accordance with the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and that upon its consummation Southern will be entitled to an order under section 5 (d) of the act declaring that it has ceased to be a holding company under the act and that its registration under the act has ceased to be in effect,

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing that the plan as submitted, or as thereafter amended, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby; and

It appearing appropriate to the Commission that notice be given and a hearing be held upon said plan, to afford all interested persons an opportunity to be

heard with respect thereto:

It is ordered, That a hearing on said plan be held on February 24, 1953, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings, is directed to file with the Secretary of the

Commission on or before February 20, 1953, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the plan, as submitted or as it may be amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the

persons affected thereby.

(2) Whether and to what extent the plan, as submitted or as it may be amended, should be modified, or terms and conditions imposed, to ensure adequate protection of the public interest and the interest of investors and consumers, and to prevent the circumvention of the act and rules and regulations thereunder;

(3) Whether the accounting entries in connection with the proposed transactions are appropriate and in accordance with sound accounting principles;

(4) Whether the fees, expenses, or other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount;

(5) Whether, upon consummation of said plan, Southern will be entitled to an order under section 5 (d) of the act declaring that it has ceased to be a holding company under the act;

(6) Generally whether the transactions proposed in such plan comply with the requirements of the applicable provisions of the act and rules promulgated thereunder:

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Alabama and Southern, to the Federal Power Commission, the Alabama Public Service Commission, and the Mayor of Birmingham, Alabama; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this notice and order-in the Federal Register.

By the Commission.

No. 29-

ORVAL L. DUBOIS, [SEAL] Secretary.

[F. R. Doc. 53-1406; Filed, Feb. 11, 1953; 8:47 a. m.]

IFHe No. 70-23821

NEW ENGLAND ELECTRIC SYSTEM

NOTICE REGARDING ACQUISITION OF PROMISSORY MOTES

FEBRUARY 6, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Electric System ("NEES") a registered holding company. NEES has designated sections 9 and 10 of the act and Rule U-23 thereunder as applicable to the proposed transactions, which are summarized as follows:

NEES presently holds a promissory note of What Cheer Associates, Inc. ("What Cheer") in the reduced principal amount of \$3,040,000. This note bears interest on the unpaid balance at 4 percent per annum and is payable in annual installments from December 1, 1951, through December 1, 1957. NEES acquired this note as part of the consideration for the sale in 1951 of its security holdings of United Electric Railways Company ("UER"), the name of which has been changed to United Transit Company ("UTC") See New England Electric System, Holding Company Act Release No. 10387. This note provided that there might be substituted for the original collateral, consisting of stock and bonds of UER, a mortgage note of that company.

NEES proposes in its application to acquire a new collateral promissory note of What Cheer in a principal amount equal to the then unpaid balance on the note presently held. The new note will bear interest on the unpaid balance at 4 percent per annum and will be payable in the amounts of \$504,600 on April 1, 1953, \$500,000 on July 1, 1953, and December 1, 1953, and \$250,000 annually thereafter (the last payment being \$255,-The col-400 due December 1, 1959) lateral for the new note will consist of a first mortgage note of UTC on substantially all of its property in a principal amount equal to the principal amount of the new note and 37,500 shares (82 percent) of UTC capital stock.

The application states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not exceed \$1,000. The application further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed acquisitions. However, it is stated that the issuance of the new note by UTC and a reduction of its capital stock which it is expected will take place concurrently therewith are subject to the approval of the Rhode Island Public Utility Administrator and that the proposed acquisitions will be consummated only after such approval has been obtained.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than February 19, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a

hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt cuch transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretaru:

[F. R. Doc. 53-1407; Filed, Feb. 11, 1903; 8:47 a. m.]

[File No. 70-2334]

CENTRAL MAINE POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE op eonds

FEBRUARY 6, 1953.

Notice is hereby given that an application has been filed with this Commission. pursuant to the Public Utility Holding Company Act of 1935 ("act") by Central Maine Power Company ("Central Maine"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the third sentence of Section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 20, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 20, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Maine proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$10,000,000 principal amount of First and General Mortgage Bonds, Series U, __ percent, due 1933. The bonds will be issued and secured under the company's First and General Mortgage, as amended and supplemented. The interest rate, the pub866 **NOTICES**

lic offering price and other pertinent details will be supplied by amendment.

The net proceeds from the sale of bonds will be applied toward the payment of the company's outstanding short-term notes, which are expected to total \$10,500,000 at the time of the issuance and sale of said bonds.

The application states that the company's present construction plans for 1953 now call for expenditures of approximately \$16,400,000. In addition to the issue of bonds herein proposed, the company intends, subject to favorable market conditions, to issue, prior to January 1, 1954, a sufficient number of shares of common stock to produce \$10,000,000.

It is represented that the Public Utilities Commission of Maine has jurisdiction over the proposed issuance and sale of the bonds and that a copy of the order authorizing the proposed transactions will be supplied by amendment.

It is requested that the Commission's order herein be accelerated and become effective upon its issuance.

By the Commission.

[SEAL]

ORVAL L. DuBois, *`Secretary.*

[F. R. Doc. 52-1408; Filed, Feb. 11, 1953; 8:47 a. m.]

[File No. 70-2995]

FALL RIVER ELECTRIC LIGHT CO. AND EAST-ERN UTILITIES ASSOCIATES

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AND PLEDG-ING OF ASSETS AND PORTFOLIO SECURITIES.

FEBRUARY 6, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Eastern Utilities Associates ("EUA") a registered holding company, and its public-utility subsid-1ary company, Fall River Electric Light EUA owns Company ("Fall River") 98½ percent of the voting shares of Fall River. EUA and Fall River have designated sections 6 and 12 of the act and Rules U-23, U-42 (b) (2) U-44 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than February 18, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applicationdeclaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 18, 1953, said application declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under

the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Fall River proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, \$6,800,000 principal amount of First Mortgage and Collateral Trust Bonds __ Percent Series. due 1983 and proposes to pledge as security therefor all of its assets (with certain specified exceptions) and its investment in the stock and debt securities of Montaup Electric Company, a subsidiary of Fall River. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated January 1, 1953, between Fall River and State Street Trust Company, Boston, Massachusetts, as Trustee: The proceeds from the sale of the bonds will be applied to the redemption of \$2,000,000 principal amount of presently outstanding First Mortgage Bonds, 31/8 Percent Series, due 1968, and to the payment and discharge of shortterm promissory notes outstanding in the aggregate principal amount of \$4,800,000.

It is stated in the application-declara. tion that the order of the Department of Public Utilities of Massachusetts authorizing the proposed issuance and sale of the bonds will be supplied amendment.

By the Commission.

[SEAL]

ORVAL L. DITBOIS. Secretary.

[F. R. Doc. 53-1409; Filed. Feb. 11, 1953; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on January 27, 1953.

REGION III

Philadelphia Order IV-G2-1, amendment. 4, filed 1:31 p. m., IV-G3-1, amendment 2, filed 1:31-p. m., IV-G4-1, amendment 2, filed 1:31 p. m., V-G1-1, amendment 1, filed 1:31 p. m., V-G1-1, amendment 1, filed 1:31 p. m., V-G2-1, amendment 1, filed 1:32 p. m., V-G3-1, amendment 1, filed 1:32 p. m.,

V-G4-1, amendment 1, filed 1:32 p. m. Plttsburgh Order II-G2-2, filed 1.35 p. m., II-G3-2, filed 1:35 p. m., II-G4-2, filed 1:35 n- m., III-G1-2, filed 1:35 p. m., III-G2-2, filed 1:36 p. m., III-G2-2, filed 1:36 p. m., III-G3-2, filed 1:36 p. m., III-G4-2, filed 1:37 p. m., I-G1-3, amendment 2, filed 1:33 p. m., I-G2-3, amendment 2, filed 1:33 p. m., I-G3-3, amendment 2, filed 1:33 p. m., I-G4-3, amendment 2, filed 1:34 p. m., II-GI-2, amendment 1, filed 1:34 p. m., II-G2-2, amendment 1, filed 1:34 p. m., II-G3-2, amendment 1, filed 1:34 p. m., II-G3-2, amendment 1, filed 1:34 p. m., II-G4-2, amendment 1, fied 1:34 p. m.

Wilmington Order I-G3-3, amendment 2, fied 1:37 p. m., I-G3-3, amendment 3, filed 1:38 p. m., I-G4-3, amendment 2, filed 1:39 p. m., I-G4-3, amendment 3, filed 1:39 p. m., II-G3-1, amendment 3, filed 1:39 p. m., II-G4-1, amendment 3, filed 1:39 p. m.

REGION IV

Baltimore Order II-G1-2, filed 1:40 p. m.,

H-G2-2, filed 1:40 p. m. Charleston Order 1-G1-3, filed 1:42 p. m., 1-G2-3, filed 1:42 p. m., 1-G3-3, filed 1:42 p. m., 1-G4-3, filed 1:42 p. m.

REGION V

Montgomery Order 1-G3-2, amendment 5, filed 1:51 p. m., 1-G4-2, amendment 5, filed 1:51 p. m., 1-G1-3, amendment 1, filed 1:52 p. m., 1-G2-3, amendment 1, filed 1:52 p. m., 1-G3-3, amendment 1, filed 1:52 p. m., 1-G3-3, amendment 1, filed 1:52 p. m., 1-G4-3, amendment 1, filed 1:52 p. m., 1-G1-1, amendment 3, filed 1:43 p. m., 1-G2-1, amendment 3, filed 1:43 p. m., 1-G3-1, amendment 3, filed 1:43 p. m., 1-G3A-1, amendment 3, filed 1:43 p. m., 1-G4A-1, amendment 3, filed 1:44 p. m., 1-G4A-1, amendment 3, filed 1:44 p. m., 1-G4-2, amendment 3, filed 1:44 p. m., 1-G4-2, amendment 3, filed 1:44 p. m., 1-G4-2, amendment 3, filed 1:44 p. m., 1-G1-2, amendment 2, filed 1:44 1-G1-2, amendment 3, filed 1:45 filed 1:45 p. m.; filed 1:45 p. m.; 1-G2-2, amendment 2, amendment 3, 1-G2-2, 1-G3-2, amendment 2, filed 1:45 p. m., 1-G3-2, amendment 3, filed 1:46 p. m., 1-G3-2, amendment 4, filed 1:46 p. m., 1-G3-2, amendment 4, filed 1:46 p. m. (Emergency Amendment) · 1-G3A-2, amendment 1, filed 1:46 p. m., 1-G4-2, amendment 4, filed 1:47 p. m., 1-G4A-2, amendment 1, filed 1:48 p. m., 1-G4-2, amendment 2, filed 1:48 p. m.

Jacksonville Order I-G2-3, amendment 2, filed 1:48 p. m., I-G3-3, amendment 1, filed 1:51 p. m., I-G3-3, amendment 3, filed 1:48 p. m., I-G3A-3, amendment 2, filed 1:49 p. m., I-G4-3, amendment 3, filed 1:49 p. m., I-G4A-3, amendment 2, filed 1:49 p. m., II-G1-3, amendment 3, filed 1:49 p. m., II-G2-3, amendment 3, filed 1:50 p. m., III-G2-3, amendment 2, filed 1:50 p. m., III-G4A-3, amendment 2, filed 1:50 p. m., IV-G1-3, amendment 2, filed 1:50 p. m., IV-G1-3, amendment 2, filed 1:50 p. m., IV-G2-3, amendment 2, filed 1:51 p. m.

Atlanta Order I-G1-2, amendment 4, filed 1:53 p. m.

Nashville Order I-G1-3, amendment 1, filed 1:53 p. m., I-G2-3, amendment 1, filed 1:53 p. m., I-G3-3, amendment 1, filed 1:53 p. m., I-G4-3, amendment 1, filed 1:54 p. m., I-G4A-3, amendment 1, filed 1:54 p. m.

Columbia Order I-G3-3, amendment 2, filed 1:54 p. m., I-G4-3, amendment 2, filed 1:54

Jackson Order I-G4-3, amendment 1, filed 1:54 p. m.

REGION VI

Cleveland Order I-G1-3, filed 1:55 p. m., I-G1-3, amendment 1, filed 1:55 p. m., I-G2-3, filed 1:56 p. m., I-G2-3, amendment 1, filed 1:56 p. m., I-G3-3, filed 1:57 p. m., I-G3-3, amendment 1, filed 1:57 p. m., I-G4-3, filed 1:57 p. m., I-G4-3, amendment 1, filed 1:57 p. m., I-G4-3, amendment 2, filed 1:58 p. m.

Louisville Order I-G1-3, filed 1:58 p. m., I-G2-3, filed 1:59 p. m., I-G3-3, filed 2:00 p. m., I-G4-3, filed 2:00 p. m., I-G4A-3, filed 2:01 p. m.

Detroit Order I-G4A-1, amendment 1, filed 2:01 p. m., III-G1-1, amendment 2, filed 2:01 p. m., III-G1-1, amendment 3, filed 2:02 p. m., III-G2-1, amendment 2, filed 2:02 p. m., III-G2-1, amendment 8, filed 2:02 p. m., III-G3-1, amendment 2, filed 2:02 p. m., III-G3-1, amendment 3, filed 2:02 p. m., III-G4-1, amendment 2, filed 2:03 p. m., III-G4-1, amendment 3, filed 2:03

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER, Recording Secretary.

[F. R. Doc. 53-1415; Filed, Feb. 9, 1953;

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application No. 27777]

PAPER ARTICLES FROM WEST MONROE, LA., TO POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4038.

Commodities involved: Paper and paper articles, in carloads.

From: West Monroe, La.

To: Points in Zone 1 of western trunkline territory.

Grounds for relief: Rail competition, additional routes, and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No.

4038, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-1417; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27778]

MIXED FEED FROM SAVANNAH AND PORT WENTWORTH, GA., TO PINETTA, FLA., AND POINTS IN GEORGIA

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Feed, animal or poultry, carloads and less than earloads.

From: Savannah and Port Wentworth, Ga., mixed in transit at Macon, Ga.,

To: Pinetta, Fla., Gracewood, Ga., and other Georgia points.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subse-

By the Commission.

[SEAL]

quently.

GEORGE W LARD, Acting Secretary.

[F. R. Doc. 53-1418; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27779]

SYRUP FROM KEOKUK, IOWA, TO EASTERN PORT CITIES

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Syrup, coloring, burnt sugar, carloads.

From: Keokuk, Iowa.

To: Baltimore, Md., and other eastern port cities.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of

an emergency a grant of temporary relief is found to be necessary before the empiration of the 15-day period, a hearing, upon a request filed within that pariod, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-1419; Filed, Feb. 11, 1953; 8:48 a. m.1

[4th Sec. Application 27789]

FERRO-CHROME FROM CHARLESTON, S. C., to Inonton, Ohio

APPLICATION FOR RELIEF

FEBRUARY 9. 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-chrome, in bulk or in packages, carloads.

From: Charleston, S. C.

To: Ironton, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1079, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-1420; Filed, Feb. 11, 1953; 8:48 a. m.]

[4th Sec. Application 27731]

CEMENT FROM CHATTANGOGA, TENN., TO MURPHY, N. C.

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by Southern Railway Company. Commodities involved: Cement, carFrom: Chattanooga, Tenn.

To: Murphy, N. C.

Grounds for relief: Additional route and circuity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W. LAIRD, Acting Secretary.

[F. R. Doc. 53-1421; Filed, Feb. 11, 1953; 8:49 a. m.]

[4th Sec. Application 27782]

BILLETS FROM HUNTINGTON, W VA., TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4175.

Commodities involved: Billets, iron or steel, and related articles, carloads.

From: Huntington, W Va.

To: Points in central territory.

Grounds for relief: Rail competition, circuitous routes, and rate relations with Ashland, Ky.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be neces-

sary before the expiration of the 15day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. .Acting Secretary.

[F. R. Doc. 53-1422; Filed, Feb. 11, 1953; 8:49 a. m.1

[4th Sec. Application 27783]

GYPSUM BOARD PAPER FROM URBANA, OHIO, TO BALTIMORE, MD.

APPLICATION FOR RELIEF

FEBRUARY 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Paper, gypsum board, in rolls, carloads.

From: Urbana, Ohio. To: Baltimore, Md.

Grounds for relief: Rail competition

and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Acting Secretary.

[F. R. Doc. 53-1423; Filed, Feb. 11, 1953; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19162]

JOHN DIEDRICH

In re: Estate of John Diedrich, deceased. File No. D-28-10711, E & T No. 17252.

Under the authority of the Trading With the Enemy Act, as amended (60 U.S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp., 3 CFR 1945 Supp.), Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Katherine Diedrich, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was a national of a designated en-

emy country (Germany),
2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of John Diedrich, deceased, is proporty which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Arthur H. Gruhle, Public Administrator, acting under the judicial supervision of the County Court, Sheboygan County, Sheboygan, Wiscon-

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national in-

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193.

Executed at Washington, D. C., on February 6, 1953.

For the Attorney General.

ROWLAND F KIRKS, Assistant Attorney General, Director, Office of Alien Property,

[F. R. Doc. 53-1428; Filed, Feb. 11, 1953; 8:49 a. m.]